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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,417	03/10/2004	Robert W. Hjelmeland	DP-310378	4132

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EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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12/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,417	Applicant(s) HJELMELAND, ROBERT W.	
	Examiner Nathan Danielson	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21 and 30-33 is/are allowed.
- 6) ☒ Claim(s) 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 15-27 and 30-33 are pending. Claims 1-14 have been canceled and claims 23-33 have been added in applicant's amendment filed 18 December 2006. Claims 28 and 29 have been canceled in applicant's amendment filed 15 October 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23, 24, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Mori (JP Patent Application Publication 2001-023365).

Regarding claim 23, Mori discloses an apparatus for cooling a compact disc, comprising:
a rotatable hub having a first end and a second end, the first end of the hub being configured to accept a compact disc thereon by inserting the first end of the hub into a throughhole of the compact disc (element 5 in combination with element 2 in figures 2-5);
an actuator configured to rotate the rotatable hub (element 6 in figures 2-5); and
a fan device driven by said actuator and configured to move air about the compact disc, the fan device being configured to move relative to the hub (element 7 in figures 2-5 and abstract).

Regarding claim 24, Mori discloses where the apparatus is configured to have the compact disc located between said actuator and said fan device (element 2 is located between elements 5 and 7 in figures 2-5).

Regarding claim 26, Mori discloses where the apparatus further comprises a compression arm configured to push said fan device into engagement with the compact disc and said rotatable hub (element 3 in figures 1-5).

Regarding claim 27, Mori discloses where said compression arm is integrally formed with said fan device (¶ 9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori, in view of Van Zanten et al (US Patent 4,823,337; hereinafter Van Zanten).

Regarding claim 25, Mori discloses everything claimed, as applied to claim 23. However, Mori fails to disclose where said fan device includes a throughhole and said fan device is configured to be connected to said rotatable hub by inserting said throughhole of said fan device into said rotatable hub in a friction fit such that said fan device rotates with said rotatable hub.

In the same field of endeavor, Van Zanten discloses where said fan device includes a throughhole and said fan device is configured to be connected to said rotatable hub by inserting said throughhole of said fan device into said rotatable hub in a friction fit such that said fan device rotates with said rotatable hub (inherent in element 25 for interacting with the structure of element 11 in figures 2, 3, and 5 and col. 4, lines 3-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Mori with the structure of Van Zanten, for the purpose of aiding in the proper alignment of a clamping mechanism with a turntable (col. 4, lines 3-20).

Allowable Subject Matter

6. Claims 30-33 are allowed for the reasons set forth in the Office Action mailed 13 July 2007.

Additionally, claims 15-22 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, either alone or in combination, fails to teach or fairly suggest, in claim 15, where a fan device is used to bias an optical disc farther onto a hub.

Response to Arguments

8. Applicant's arguments, see 5-7, filed 15 October 2007, with respect to the rejection(s) of claim(s) 23-27 under 35 USC § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mori and Van Zanten.

9. Applicant's arguments, see pages 5-7, with respect to claims 15-21 have been fully considered and are persuasive. The rejection of claims 15-21, as mailed 13 July 2007, has been withdrawn.

Closing Remarks/Comments

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571) 272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Danielsen
12/19/2007

/William Korzuch/
SPE, Art Unit 2627